

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 201 of 2013**

Surendra Sahu @ Sonu S/o Shri Ayodhya Sahu, aged about 19 years R/o Village Mandalpara, Police Station Baikunthpur, District Korea (C.G.).

---- Applicant**Versus**

State of Chhattisgarh through District Magistrate Korea, District Korea (C.G.)

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/06/2019**

1. This revision has been preferred against judgment dated 15/03/2013 passed in Criminal Appeal No. 108/2012 by the First Additional Sessions Judge, Manendragarh, Place Baikunthpur, District Korea (C.G.) arising out of judgment dated 29/09/2012 passed in Criminal Case No. 53/2012 by the Judicial Magistrate First Class, Baikunthpur (C.G.), whereby the Applicant stands convicted under Section 381 of the IPC and sentenced to undergo RI for 6 months and to pay fine of Rs. 1000/- with default stipulation.
2. As per prosecution story, on 18/08/2011, Complainant Vivek Gupta had lodged a report alleging therein that he is having a shop namely Gupta Traders situated at Gadi Chowk and Applicant Surendra Sahu used to work on the said shop at the relevant time. It was also alleged

by him that when the Complainant came to know that two pumps have been recovered from the Applicant, then he checked his records of the pumps kept in his shop and found that the said recovered pumps from the Applicant were stolen by the Applicant. On this report, FIR (Ex.P-1) has been registered. Stolen pumps have been seized vide seizure memo Ex.P.-3, which were identified by the Complainant. Statement of other witnesses have been recorded under Sections 161 of the Cr.P.C. After investigation, a charge-sheet was filed and charges were framed.

3. After trial, the trial Court has convicted and sentenced the Applicant as mentioned in paragraph one of this order which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that out of total jail sentence of 6 months, the Applicant has undergone about 12 days, he is facing the *lis* since 2012, there is no criminal antecedent against the Applicant, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.

7. Considering the above facts and circumstances of the case, particularly considering that out of total jail sentence of 6 months, the Applicant has undergone about 12 days, he is facing the *lis* since 2012 and there is no criminal antecedent against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to him is reduced to the period already undergone by him and the fine sentence imposed upon under Section 381 of the IPC is enhanced to Rs. 15,000/-. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo RI for 2 months. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.
8. Consequently, the revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge